



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,839	12/11/2000	Harold Aaron Ludtke	80398.P416	4722

7590 09/01/2005

Jeffrey S. Smith
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
----------	--------------

2165

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,839

Applicant(s)

LUDTKE ET AL.

Examiner

DIANE D. MIZRAHI

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Prosecution on the merits of this application is reopened on claims 1-23 considered unpatentable for the reasons indicated below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 8-9, 11-13, 15-16, 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Loveland (U.S. Patent #6,895,558 and Loveland hereinafter).

Regarding Claims 1, 8-9, 11-13, 15 and 21 is anticipated by Loveland (U.S. Patent #6,895,558 and Loveland hereinafter). Loveland discloses a method comprising (See Figure 8, Loveland)

Art Unit: 2165

authorizing a user access to a device based on biometric identification information associated with the user (see Steps 600-612, Voice authentication to server device 516); receiving from a first remote source, by the device, the authorized user's private access information associated with a second remote source (see Step 614, retrieves user credentials form Domain Controller 540 and creates "Application Proxy" - see column 20, lines 39 et seq.): sending by the device over a voice network, the authorized user's private access information to the second remote source to enable the authorized user to access remote data on the second remote source (see step 616, Server uses "Application Proxy" to authenticate user for access to any network resource - Column 20, line 55 et seq).

Regarding Claim 2, Loveland teaches a connection between the voice network and the device (see Steps 600-612, Voice authentication to server device 516) and a consumer access device (i.e. voice mail or laptop) (col 2, lines 53-65).

As to claim 4, Loveland teaches consumer access device (i.e. voice mail or laptop) (col 2, lines 53-65) and enabling authorized user to conduct a transaction.

(col 12, lines 16-36).

As to claim 5, Loveland discloses accessing the remote data through a privacy clearing house (i.e. by third parties) (col

Art Unit: 2165

9, lines 28-36) and transferring the remote data (col 9, lines 28-51)

Regarding Claim 6, Loveland discloses password associated with the authorized user (i.e. a user identification/password) (col 19, lines 18-39).

Regarding Claim 16, Loveland teaches a communication unit coupled to the consumer access (i.e. voice mail or laptop) (col 2, lines 53-65) device to communicate (see Steps 600-612, Voice authentication to server device 516) and prespecified information upon biometric identification (see Steps 600-612, Voice authentication to server device 516) of the authorized user (i.e. a user identification/password) (col 19, lines 18-39).

Regarding Claim 18, Loveland teaches ... automatic receipt and updating of private access information stored in the storage unit (i.e. instant message sent to the personal IMR application, the personal IMR determines, by referring to a user status variable and/or a set of configured rules for the recipient) (col 13, lines 8-54).

Regarding Claim 19, Loveland teaches establishing a secure communication link (i.e. by issuing a password) (col 19, lines 18-39) with the consumer access device before allowing transfer of information (col 2, lines 53-65).

Regarding Claim 20, Loveland teaches a wireless communication (i.e. cellular phones, wireless) (col 11, lines 64-67 to col 12, lines 1-15).

Regarding Claim 22, Loveland teaches sending tones (col 2, lines 1-17).

Regarding Claim 23, Loveland teaches tones communicated over a telephony-based system (col 2, lines 1-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland (U.S. Patent #6,895,558 and Loveland hereinafter in view of Bisbee et al. (U.S. Patent # 6,237,096 and Bisbee hereinafter).

The teachings of Loveland have been discussed above.

As to claim 7, Loveland does not teach establishing a secure communication channel using Public Key Infrastructure (PKI).

Bisbee et al. teaches wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) (see column 2, lines 13-21).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Loveland with the of Bisbee to establishing a secure communication channel using Public Key Infrastructure (PKI) with the motivation to ensure that the party originating a document is electronically identifiable (Bisbee, col 2, lines 13-21) to provide for the ability for authentication, privacy and integrity of the communicated information... and the ability to detect any alteration of the ... documents (Bisbee, col 1, lines 29-39).

Regarding Claim 17, Loveland does not teach communication unit is encrypted.

Bisbee teaches communication unit is encrypted (i.e. encrypted by the DAS Token, and the digitally signed and/or encrypted version is communicated to the Authentication Center electronically (e.g., by modem or computer network) (col 6, lines 43-59).

Art Unit: 2165

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Loveland with the of Bisbee to provide for a communication unit which is encrypted with the motivation to ensure that the party originating a document is electronically identifiable (Bisbee, col 2, lines 13-21) to provide for the ability for authentication, privacy and integrity of the communicated information... and the ability to detect any alteration of the ... documents (Bisbee, col 1, lines 29-39).

Claims 3,10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland (U.S. Patent #6,895,558 and Loveland hereinafter) in view of Ulvinen et al. (U.S. Patent # 6,393,305 and Ulvinen hereinafter).

The teachings of Loveland have been discussed above.

As to claims 3, 10 and 14, Loveland does not teach wherein the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers, wireless telephones, set top boxes (STBs), video game consoles, remote control units, personal radio communication units, telematic communication devices,

Art Unit: 2165

information panels, and kiosks personal digital assistants (PDAs), electronic based organizers, watches; data communication network, set top boxes (STBs), video game counsels, information panels, kiosks; wireless telecommunication network ... mobile telephone.

Ulvinen discloses wherein the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers, wireless telephones, set top boxes (STBs), video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks. (personal communicator (col 3, lines 1-2) reads on digital wallet (DW) devices, personal digital assistants (PDAs), electronic based organizers, watches; data communication network (col 2, lines 40-41) reads on personal computers (PCs), set top boxes (STBs), video game counsels, information panels, kiosks; wireless telecommunication network (col 3, lines 41-42) reads on remote control units, personal radio communication. units, telematic communication devices; mobile telephone (col 1, line 42) reads on telephones, auto dialers, wireless telephones).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the

Art Unit: 2165

teachings of Loveland with the of Ulvinen to include the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers, wireless telephones, set top boxes (STBs), video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks personal digital assistants (PDAs), electronic based organizers, watches; data communication network, set top boxes (STBs), video game counsels, information panels, kiosks; wireless telecommunication network ... mobile telephone with the motivation to provide for a a connection ... meaningful to the user (Ulvinen, col 5, lines 48-54).

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office

Art Unit: 2165

of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Applicant is advised that the Notice of Allowance mailed on May 20, 2005 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 873-8300 for regular communications and (703) 305-3900 for After Final communications.

Art Unit: 2165

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Diane Mizrahi', written over a horizontal line.

Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

August 26, 2005